IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 121 OF 2005
IN
WRIT PETITION NO. 5976 OF 2000

Nutan Gujarathi Vidyalaya Samit & Educational Institution. Appellants.
V/s
Smt.Asmita Dinesh Doshi & Anr.. .... Respondents

Mr.G.S.Godbole, Adv. for the appellants.

None for the respondents.

CORAM: V.G. PALSHIKAR
AND
D.B. BHOSALE, JJ.
21.10.2005.

PC:

Request for adjournment is rejected. The impugned order passed by the learned Single Judge is one passed under Article 227 of the Constitution of India rejecting the prayer for interference with the order passed by School Tribunal. The School Tribunal being a Tribunal Subordinate to Bombay High Court it is amenable to its jurisdiction under Article 227 of the Constitution of India. Mere mention of Article 226 cannot create a right in the litigant to choose the Forum or create a right to an appeal. The impugned order having been so passed under Article 227 the appeal under clause 15 of the Letters Patent is not tenable. Hence appeal is dismissed. Civil Application, if any, also stand disposed of accordingly.

21.10.05